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FEDERAL COMMUNICATIONS COMMISSION
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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington D.C. 20554

In re Applications of	)	MM Docket No. 93-93
	)	
COMMUNITY TELEVISION OF SOUTHERN CALIFORNIA	)	File No. BPET-881012KE
	)	File No. BPET-900904KE
VALLEY PUBLIC TELEVISION, INC.	)	
	)	
	)	
For Construction Permit for a New TV Station on Channel *39 in Bakersfield, California	)	

To: The Honorable Arthur I. Steinberg
Administrative Law Judge

SECOND MOTION TO ENLARGE ISSUES

Community Television of Southern California ("CTSC"), by its attorneys and pursuant to Section 1.229(b)(3) of the Commission's Rules, hereby requests the Presiding Judge to enlarge the issues against Valley Public Television, Inc. ("VPT") to include the following:

1. To determine the nature of the beam tilt VPT proposes to employ and the areas and populations VPT will serve with its proposed facilities.

2. To determine whether VPT proposes to construct a new tower, whether the height of an existing tower is being increased or whether other changes are being proposed to an existing tower necessitating action by the Federal Aviation Administration.

3. To determine whether there is a reasonable possibility that the tower height and location proposed by VPT would constitute a hazard to air navigation.

No. of Copies rec'd 0+6
List A B C D E

A. The Motion is Timely Filed.

1. The facts upon which this Motion is based are contained in the proposed amendment to VPT's application filed May 13, 1993 (the "Amendment"). The Amendment, which was accompanied by a Petition for Leave to Amend filed on the same date (the "Petition"), proposes to change VPT's transmitter site to Mount Adelaide, 17 kilometers northeast of Bakersfield, California.[1/] The facts set forth in the Amendment were first discovered by CTSC on May 14, 1993 when the Amendment was received by CTSC's counsel. This Motion is being filed within 15 days of such discovery and is accordingly timely filed pursuant to Section 1.229(b)(3) of the Commission's Rules. In any event, the Motion raises questions concerning VPT's technical qualifications. It therefore addresses issues of probable decisional significance and such substantial public interest importance as to warrant consideration whether or not it is timely filed. See Shirley Marchant, 66 RR 2d 1537 (R.Bd. 1989).

[1/] CTSC intends to file an Opposition to the Petition in due course. In view of ongoing settlement discussions between VPT and CTSC, the due date for filing the Opposition has been extended at least until the prehearing conference in this proceeding scheduled for June 2, 1993, at which time, if settlement has not been reached, a due date will be fixed. This Motion should be considered on its merits only if the Amendment is accepted for filing. If the Amendment is rejected, this filing will be moot. CTSC sought VPT's agreement to extend the due date for the filing of this Motion to coincide with the filing of the Opposition and perhaps to avoid its filing altogether if a settlement was reached. VPT rejected CTSC's request.

B. **The Amendment is Internally Inconsistent, Necessitating the Addition of the Requested Issues.**

2. VPT has yet to figure out how to put together a coherent engineering proposal. In CTSC's Motion to Enlarge Issues filed May 3, 1993 ("First Motion"), CTSC pointed out certain internal inconsistencies in VPT's engineering proposal, including uncertainty as to whether VPT proposed to operate with or without a beam tilt. First Motion at pp. 15-16. It is at least clear in the Amendment that a beam tilt of some sort is contemplated. Unfortunately, it is now unclear whether VPT proposes to operate with a 1.5° or 2.0° beam tilt. Tracking the flow of VPT's engineering proposal is like watching a pinball's unpredictable journey.[2/]

3. VPT's response to Section V-C, ¶10, indicates that it will employ a 1.5° electrical beam tilt, but, as explained in the engineering exhibit prepared by Hammett & Edison attached hereto as Exhibit 1, the antenna pattern shown in Exhibit 3-A to the Amendment is for an antenna with a 2.0° beam tilt. This discrepancy makes it impossible to determine the contours of the proposed facility and thus the areas and populations which VPT proposes to serve. Accordingly, an issue should be specified requiring VPT to clarify its engineering proposal and correct this inaccuracy so that a valid assessment can be made of the areas and populations it will serve.

[2/] Of course, if VPT were playing pinball, its inability to solve the "tilt" factor would have ended its game long ago.

4. It is also unclear from the Amendment whether VPT proposes to erect a new tower or to mount its antenna on an existing tower. VPT indicated in response to Section V-C, ¶5, that the Federal Aviation Administration ("FAA") was notified of proposed construction on May 6, 1993. This suggests that either a new tower is being constructed or the height of an existing tower is being increased since the filing of the FAA notice would not otherwise be required. VPT's response to Section V-C, ¶3, suggests otherwise. The question and answer read as follows:

3.	Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)?	[X] Yes [ ] No
	If Yes, give call letter(s) or file number(s) or both.	Business Band
	If proposal involves a change in height of an existing structure specify existing height above ground level, including antenna, all other appurtenances, and lighting, if any.	N/A

It appears from the response to paragraph 3 that VPT's proposal does not involve the erection of a new tower or a change in height of an existing structure, but that the proposed structure is either "the same as that of another station(s) or proposed in another pending application(s)." Yet VPT failed to provide the call letters or file numbers in response to paragraph 3, as required. In view of the inconsistencies between the responses to paragraphs 3 and 5 of Section V-C and VPT's failure to provide all the information requested by paragraph 3, an issue must be specified to clarify the nature of VPT's proposal.[3/]

[3/] If VPT in fact proposes to construct a new tower or add to the height of an existing tower, CTSC intends to supplement its First Motion in which CTSC requested the specification of an issue to determine whether or not VPT was financially qualified. The construction of a new tower or modification of an existing (continued...)

5. Finally, if it turns out that a new tower or a change in the height of an existing tower is contemplated, there is no indication that a determination has been reached regarding whether or not the height and location of the proposed tower would constitute a hazard to air navigation. Accordingly, an issue regarding this matter should be specified as well. Unicorn Slide, 8 FCC Rcd 318 (Mass Media Bureau 1993).

CONCLUSION

For the reasons set forth above, the Presiding Judge should add the requested issues.[4/]

Respectfully submitted,

COMMUNITY TELEVISION OF
SOUTHERN CALIFORNIA

[redacted]

Exhibit 1

COMMUNITY TELEVISION OF SOUTHERN CALIFORNIA

ENGINEERING EXHIBIT IN SUPPORT OF OPPOSITION TO A PETITION FOR LEAVE TO AMEND

May 27, 1993

©1993 Hammett & Edison, Inc.

Hammett & Edison, Inc.
Consulting Engineers
San Francisco

COMMUNITY TELEVISION OF SOUTHERN CALIFORNIA
LOS ANGELES, CALIFORNIA

STATEMENT OF DANE E. ERICKSEN, CONSULTING ENGINEER

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained by Community Television of Southern California, Inc. to review the application for a new non-commercial educational television station on Channel 39 at Bakersfield, California, filed by Valley Public Television, Inc. for a change in site.

BACKGROUND INFORMATION

Community Television of Southern California, Inc. (CTSC) and Valley Public Television, Inc. (VPT) have mutually exclusive applications for a new non commercial educational television station on Channel 39 at Bakersfield, California. CTSC has previously pointed out that the Mt. Breckenridge site originally proposed by VPT is short-spaced to an allocation for Channel 25 at Ridgecrest, California, and that the VPT application did not request a short-spacing waiver, let alone provide justification for such a waiver.

VPT APPLICATION IS SERIOUSLY FLAWED

[redacted]

Exhibit 3-A from VPT application overlaid. Figures 4A and 4B show the elevation pattern corresponding to an Antenna Concepts ACS16C antenna with 1.5° of electrical beam tilt, again with the tabular data from Exhibit 3-A overlaid. It can be seen that it is not possible to deduce from the VPT application which is correct: Figure 3A has the VPT tabular data matching the manufacturer's data at the beam maximum of 1.000, but the other points do not match; Figure 4A has the VPT tabular data matching the manufacturer's data for the side lobes of the elevation pattern, but not at the pattern's maximum.

Section 73.684(c)(1) of the FCC Rules specifies that the effective radiated power for projecting the Grade A and Grade B contours is the power towards the radio horizon, where the radio horizon is obtained by taking the square root of the height above average terrain in meters and multiplying by 0.0277. Further, Section 73.684(c)(2) specifies that, if the elevation pattern relative field at the radio horizon is 90% or more of the maximum field strength in the vertical plane containing the pertaining radial, then the maximum radiation shall be used.

For the effective height of the VPT antenna now proposed at Mt. Adelaide, the radio horizon occurs between 0.15° and 0.80° below horizontal. Thus, the critical portion of the elevation pattern occurs between 0° and 2° below horizontal. From the expanded elevation pattern shown in Figures 3B and 4B, corresponding to the proposed antenna with either 2.0° or 1.5° of electrical beam tilt, the spread sheets in Figures 5 and 6 have been derived.

From Figure 5, it can be seen that if the tabulation in Exhibit 3-A of the VPT application is taken as correct, then the maximum effective radiated power towards the radio horizon is only 251 kW. If, on the other hand, the 1.5° of electrical tilt shown in Item 10(d) of Section V-C of the VPT Form 340 is taken as correct, and if the 1.000 relative field at –2.00° tabulation in Exhibit 3-A is ignored, then Figure 6 shows that the maximum effective radiated power towards the radio horizon is 370 kW as claimed by VPT. The differences in effective radiated power that the half-degree ambiguity causes are shown in a polar format by the attached Figure 7.

Of course, if the elevation pattern relative field maximum of 1.000 at –2.00° given in Exhibit 3-A is taken as correct, then the projected contours, area, and population within the now proposed VPT Grade B contour are all incorrect as well. It should be noted that the depression angle of the elevation pattern maximum in the Exhibit 3-A tabulation is given to three significant figures (*i.e.*, –2.00), so this angle cannot be construed as 1.5° rounded to the nearest integer.

SUMMARY

The Valley Public Television, Inc. application to amend to specify a non-short-spaced site is seriously flawed because of the discrepancy in the application over the amount of electrical beam tilt to be employed.

LIST OF FIGURES

In carrying out these engineering studies, the following attached figures were prepared by me or under my direct supervision:

1. Reproduction of Exhibit 3-A from the Valley Public Television application
2. Manufacturer's elevation pattern for the Model ACS16C antenna
3. Elevation pattern assuming 2.0° electrical tilt
4. Elevation pattern assuming 1.5° electrical tilt
5. Derivation of effective radiated powers for 2.0° electrical tilt
6. Derivation of effective radiated powers for 1.5° electrical tilt
7. Polar plot of effective radiated powers for 2.0° versus 1.5° electrical tilt.

HAMMETT & EDISON, INC.
Consulting Engineers

Dane E. Ericksen, P.E.

May 27, 1993

REGISTERED PROFESSIONAL ENGINEER
DANE E. ERICKSEN
No. 11654
Exp. 9-30-96
ELECTRICAL
STATE OF CALIFORNIA

AFFIDAVIT

State of California)
) ss:
County of San Mateo)

Dane E. Ericksen, being first duly sworn upon oath, deposes and says:

1. That he is a qualified Registered Professional Engineer, holds California Registration No. E-11654 which expires on September 30, 1996, and is employed by the firm of Hammett & Edison, Inc., Consulting Engineers, with offices located near the city of San Francisco, California,

2. That he graduated from California State University, Chico, in 1970, with a Bachelor of Science Degree in Electrical Engineering, was an employee of the Field Operations Bureau of the Federal Communications Commission from 1970 to 1982, with specialization in the areas of FM and television broadcast stations and cable television systems, and has been associated with the firm of Hammett & Edison, Inc., since October 1982,

3. That the firm of Hammett & Edison, Inc., Consulting Engineers, has been retained by Community Television of Southern California, Inc. to review the application for a new non-commercial educational television station on Channel 39 at Bakersfield, California, filed by Valley Public Television, Inc. for a change in site,

4. That such engineering work has been carried out by him or under his direction and that the results thereof are attached hereto and form a part of this affidavit, and

5. That the foregoing statement and the report regarding the aforementioned engineering work are true and correct of his own knowledge except such statements made therein on information and belief, and as to such statements, he believes them to be true.

Dane E. Ericksen, P.E.

Subscribed and sworn to before me this 27th day of May, 1993.

OFFICIAL SEAL
JERI L. THOMSEN
NOTARY PUBLIC - CALIFORNIA
San Mateo County
My Commission Expires April 29, 1994

COMMUNITY TELEVISION OF SOUTHERN CALIFORNIA
LOS ANGELES, CALIFORNIA

EXHIBIT 3-A FROM VPT APPLICATION DATED MAY 6, 1993

ANTENNA CONCEPTS, INC.

ELEVATION PATTERN — DATE 5/5/93 — BEAM TILT -1.5
ACS16C — ANTENNA GAIN : 79 — NULL FILL 0 %

ELEVATION	FIELD	.1 .2 .3 .4 .5 .6 .7 .8 .9 1.0
+6.00	0.037	*
+4.00	0.220	*
+2.00	0.039	*
+0.00	0.777	*
-2.00	1.000	*
-4.00	0.376	*
-6.00	0.193	*
-8.00	0.104	*
-10.00	0.128	*
-12.00	0.033	*
-14.00	0.099	*
-16.00	0.004	*
-18.00	0.077	*
-20.00	0.011	*
-22.00	0.065	*
-24.00	0.014	*
-26.00	0.056	*
-28.00	0.013	*
-30.00	0.052	*
-32.00	0.007	*
-34.00	0.050	*
-36.00	0.006	*
-38.00	0.046	*
-40.00	0.022	*
-42.00	0.036	*
-44.00	0.042	*
-46.00	0.008	*
-48.00	0.046	*
-50.00	0.026	*
-52.00	0.027	*
-54.00	0.055	*
-56.00	0.035	*
-58.00	0.016	*
-60.00	0.048	*
-62.00	0.044	*
-64.00	0.008	*
-66.00	0.044	*
-68.00	0.080	*
-70.00	0.094	*
-72.00	0.086	*
-74.00	0.069	*
-76.00	0.060	*
-78.00	0.067	*
-80.00	0.080	*
-82.00	0.091	*
-84.00	0.096	*
-86.00	0.096	*
-88.00	0.092	*
-90.00	0.084	*

NOTE

Record of input data: ACS16C WITH 16 BAYS.
GAIN 79 BT/NF -1.5 DEG. & 0 PERCENT.

EXHIBIT 3-A

COMMUNITY TELEVISION OF SOUTHERN CALIFORNIA
LOS ANGELES, CALIFORNIA

MANUFACTURER'S DATA
ANTENNA CONCEPTS MODEL ACS16C ELEVATION PATTERN
+10° TO -10°

ANTENNA CONCEPTS, INC.

ELEVATION PATTERN — DATE 05/19/93 — BEAM TILT 0
ACS16C — ANTENNA GAIN : 79 — NULL FILL 0 %

ELEVATION	FIELD	: .1 .2 .3 .4 .5 .6 .7 .8 .9 1.0
+10.00	0.078	:--*-+----+----+----+----+----+----+----+----+----+
+9.50	0.114	: *
+9.00	0.130	: *
+8.50	0.124	: *
+8.00	0.093	: *
+7.50	0.039	: *
+7.00	0.030	: *
+6.50	0.103	: *
+6.00	0.167	: *
+5.50	0.209	: *
+5.00	0.217	: *
+4.50	0.181	: *
+4.00	0.099	: *
+3.50	0.027	: *
+3.00	0.190	: *
+2.50	0.375	: *
+2.00	0.564	: *
+1.50	0.738	: *
+1.00	0.878	: *
+0.50	0.969	: *
+0.00	1.000	:----+----+----+----+----+----+----+----+----+----*
-0.50	0.969	: *
-1.00	0.878	: *
-1.50	0.738	: *
-2.00	0.564	: *
-2.50	0.375	: *
-3.00	0.190	: *
-3.50	0.027	: *
-4.00	0.099	: *
-4.50	0.181	: *
-5.00	0.217	: *
-5.50	0.209	: *
-6.00	0.167	: *
-6.50	0.103	: *
-7.00	0.030	: *
-7.50	0.039	: *
-8.00	0.093	: *
-8.50	0.124	: *
-9.00	0.130	: *
-9.50	0.114	: *
-10.00	0.078	:--*-+----+----+----+----+----+----+----+----+----+

Record of input data: ACS16C WITH 16 BAYS.
GAIN 79 BT/NF 0 DEG. & 0 PERCENT.
0 BAYS OFFSET. PHASE 0 DEGREES. DATE: 05/19/93

COMMUNITY TELEVISION OF SOUTHERN CALIFORNIA
LOS ANGELES, CALIFORNIA

MANUFACTURER'S DATA
ANTENNA CONCEPTS MODEL ACS16C ELEVATION PATTERN
+10° TO -90°

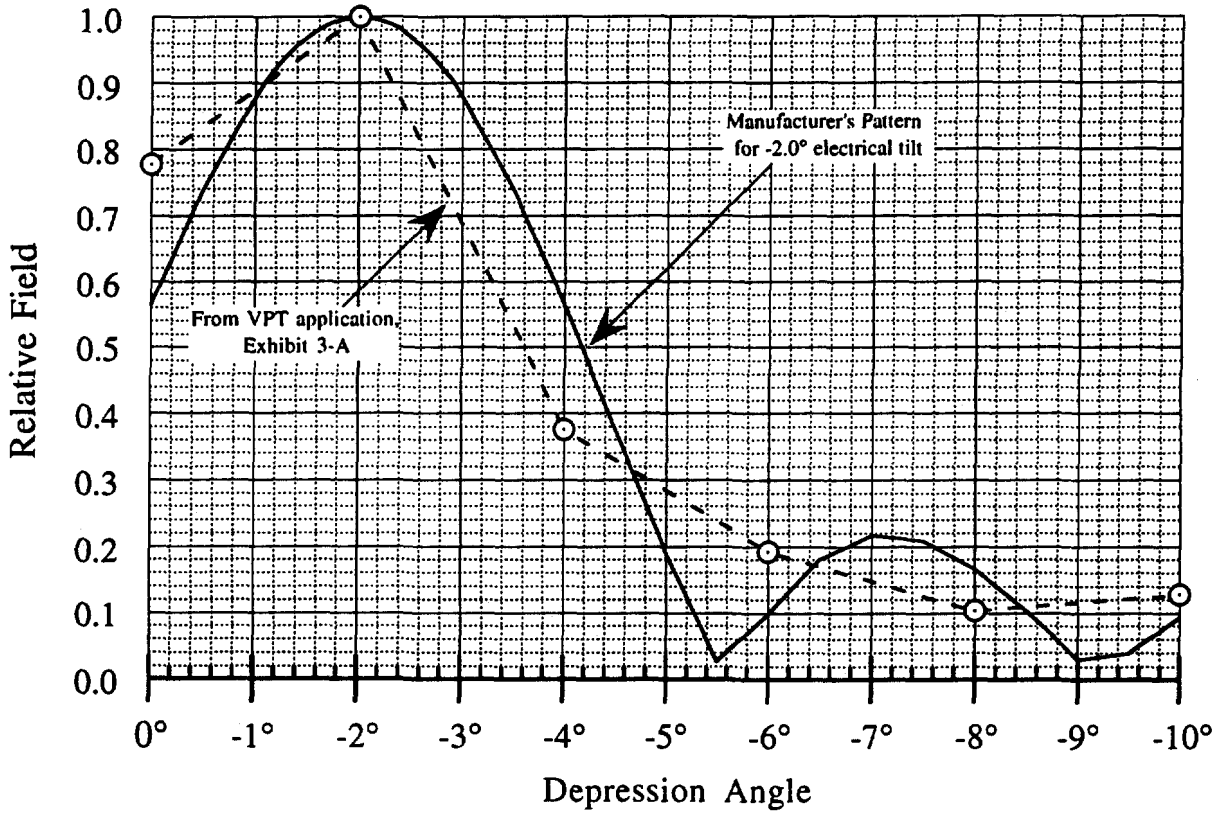
ELEVATION PATTERN
ACS16C

DATE 05/19/93 BEAM TILT 0
ANTENNA GAIN : 79 NULL FILL 0 %

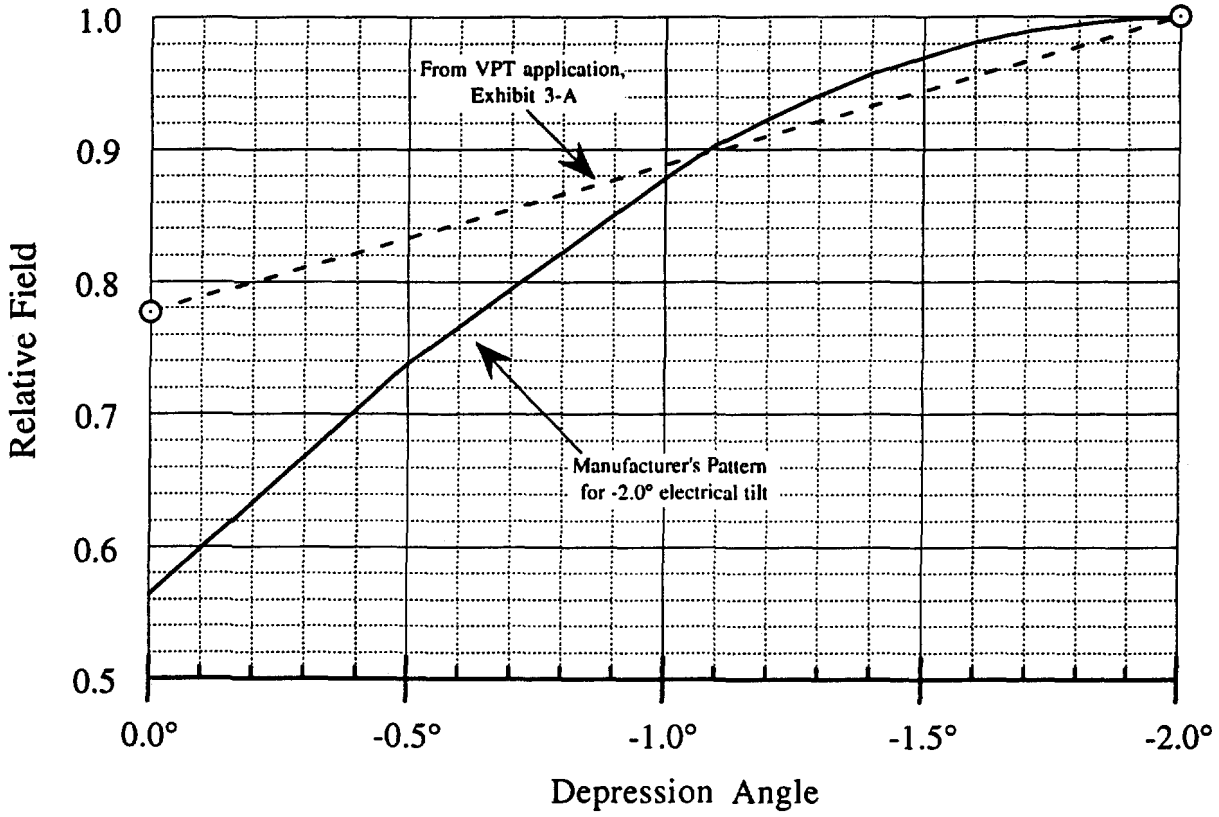
ELEVATION	FIELD	.1 .2 .3 .4 .5 .6 .7 .8 .9 1.0
+10.00	0.078	*
+8.00	0.093	*
+6.00	0.167	*
+4.00	0.099	*
+2.00	0.564	*
+0.00	1.000	*
-2.00	0.564	*
-4.00	0.099	*
-6.00	0.167	*
-8.00	0.093	*
-10.00	0.078	*
-12.00	0.083	*
-14.00	0.038	*
-16.00	0.073	*
-18.00	0.016	*
-20.00	0.064	*
-22.00	0.005	*
-24.00	0.057	*
-26.00	0.002	*
-28.00	0.052	*
-30.00	0.004	*
-32.00	0.049	*
-34.00	0.013	*
-36.00	0.044	*
-38.00	0.026	*
-40.00	0.034	*
-42.00	0.041	*
-44.00	0.011	*
-46.00	0.049	*
-48.00	0.023	*
-50.00	0.032	*
-52.00	0.052	*
-54.00	0.017	*
-56.00	0.036	*
-58.00	0.060	*
-60.00	0.036	*
-62.00	0.016	*
-64.00	0.062	*
-66.00	0.077	*
-68.00	0.054	*
-70.00	0.005	*
-72.00	0.053	*
-74.00	0.105	*
-76.00	0.144	*
-78.00	0.166	*
-80.00	0.174	*
-82.00	0.172	*
-84.00	0.163	*
-86.00	0.151	*
-88.00	0.138	*
-90.00	0.124	*

Record of input data: ACS16C WITH 16 BAYS.
GAIN 79 BT/NF 0 DEG. & 0 PERCENT.
0 BAYS OFFSET. PHASE 0 DEGREES. DATE: 05/19/93

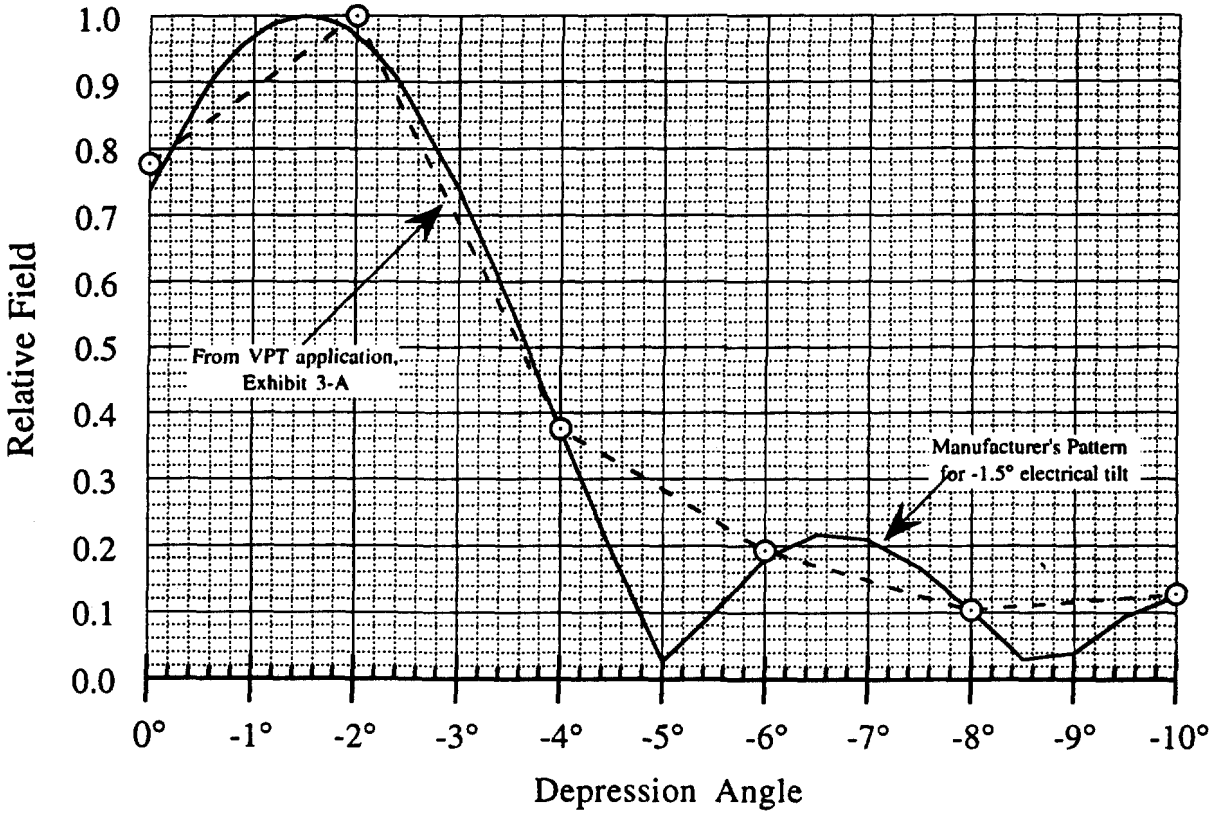
Antenna Concepts Inc.
Model ACS16C Elevation Pattern
2.0° Electrical Tilt



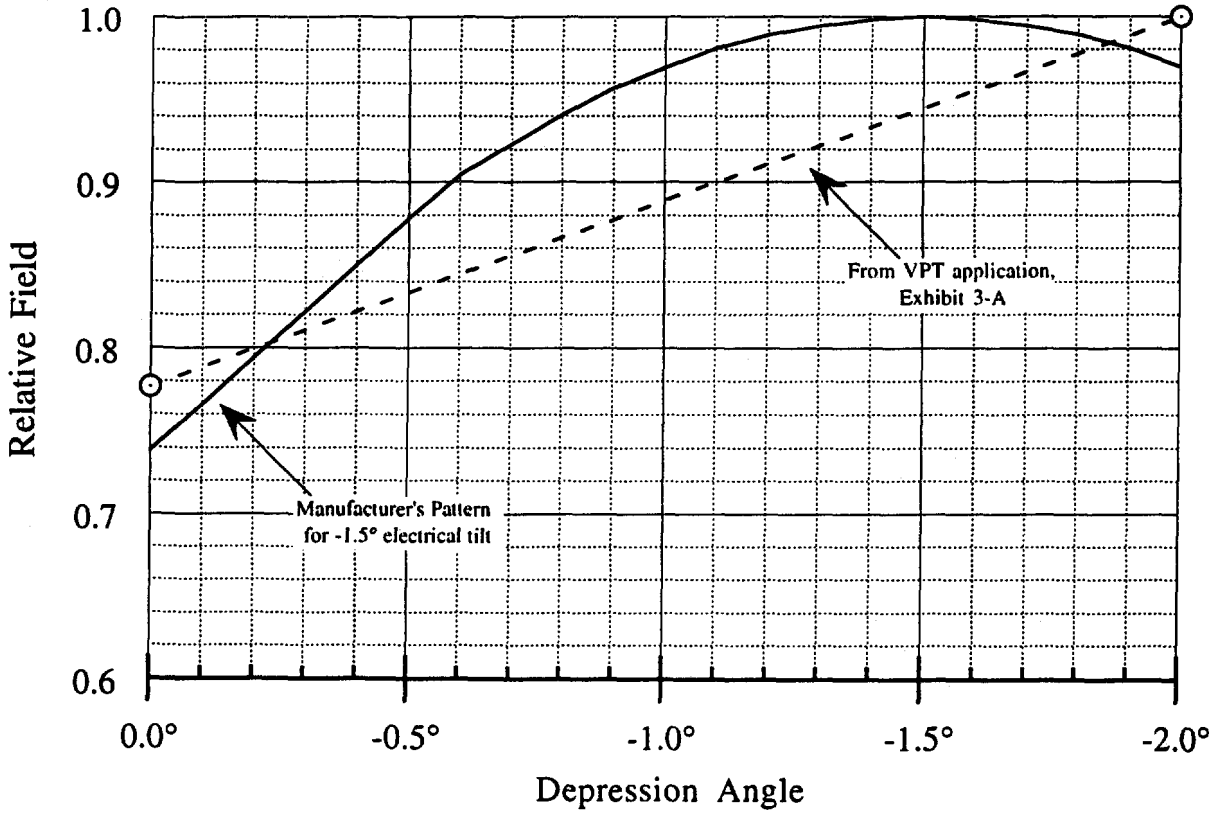
Antenna Concepts Inc.
Model ACS16C Elevation Pattern
2.0° Electrical Tilt



Antenna Concepts Inc.
Model ACS16C Elevation Pattern
1.5° Electrical Tilt



Antenna Concepts Inc.
Model ACS16C Elevation Pattern
1.5° Electrical Tilt



COMMUNITY TELEVISION OF SOUTHERN CALIFORNIA
LOS ANGELES, CALIFORNIA

ASSUMPTION OF 2.0° ELECTRICAL TILT

Azimuth[1]	Average Terrain (3–16 km)[2]	HAAT[3]	Angle to Radio Horizon[4]	Radiation Pattern Relative Field			Effective Radiated Power Toward Radio Horizon[8]	
				Elevation[5]	Azimuth[6]	Net[7]		
0°T	803 m	255 m	-0.44°	0.718	0.190	0.136	6.9 kW	8.38 dBk
45	1096	-38	-0.15	0.618	0.220	0.136	6.8	8.35
90	1260	-202	-0.15	0.618	0.290	0.179	11.9	10.75
135	791	267	-0.45	0.722	0.220	0.159	9.3	9.70
180	365	693	-0.73	0.805	0.190	0.153	8.7	9.37
225	287	771	-0.77	0.815	0.580	0.473	82.7	19.17
260	256	802	-0.78	0.817	0.960	0.784	227.6	23.57
270	225	833	-0.80	0.823	1.000	0.823	250.6	23.99
315	472	586	-0.67	0.785	0.580	0.455	76.7	18.85

---

1 Eight standard radials plus radial through Bakersfield.

2 From NGDC 30-second database.

3 1058 m minus Average Terrain; 30.5 m used for determination of angle toward radio horizon when HAAT is negative.

4 $0.0277 \sqrt{\text{HAAT.}}$

5 Relative field at depression angle toward radio horizon, from Figure 3B assuming 2.0° of electrical beam tilt. Where the radiation at the pertinent angle is 90 percent or more of the maximum at a given azimuth, the maximum radiation is used, in accordance with Section 73.684(c)(2) of the FCC Rules.

6 From VPT application, Exhibit 2-A.

7 Product of Elevation and Azimuth relative fields.

8 Peak visual power of 370 kW times (Net Relative Field)^2.

COMMUNITY TELEVISION OF SOUTHERN CALIFORNIA
LOS ANGELES, CALIFORNIA

ASSUMPTION OF 1.5° ELECTRICAL TILT

Azimuth[1]	Average Terrain (3–16 km)[2]	HAAT[3]	Angle to Radio Horizon[4]	Radiation Pattern Relative Field Elevation[5]	Azimuth[6]	Net[7]	Effective Radiated Power Toward Radio Horizon[8]	
0°T	803 m	255 m	-0.44°	0.860	0.190	0.163	9.9 kW	9.95 dBk
45	1096	-38	-0.15	0.780	0.220	0.172	10.9	10.37
90	1260	-202	-0.15	0.780	0.290	0.226	18.9	12.77
135	791	267	-0.45	0.865	0.220	0.190	13.4	11.27
180	365	693	-0.73	1.000	0.190	0.190	13.4	11.26
225	287	771	-0.77	1.000	0.580	0.580	124.5	20.95
260	256	802	-0.78	1.000	0.960	0.960	341.0	25.33
270	225	833	-0.80	1.000	1.000	1.000	370.0	25.68
315	472	586	-0.67	1.000	0.580	0.580	124.5	20.95

1 Eight standard radials plus radial through Bakersfield.

2 From NGDC 30-second database.

3 1058 m minus Average Terrain; 30.5 m used for determination of angle toward radio horizon when HAAT is negative.

4 $0.0277 \sqrt{\text{HAAT}}$.

5 Relative field at depression angle toward radio horizon, from Figure 4B assuming 1.5° of electrical beam tilt. Where the radiation at the pertinent angle is 90 percent or more of the maximum at a given azimuth, the maximum radiation is used, in accordance with Section 73.684(c)(2) of the FCC Rules.

6 From VPT application, Exhibit 2-A.

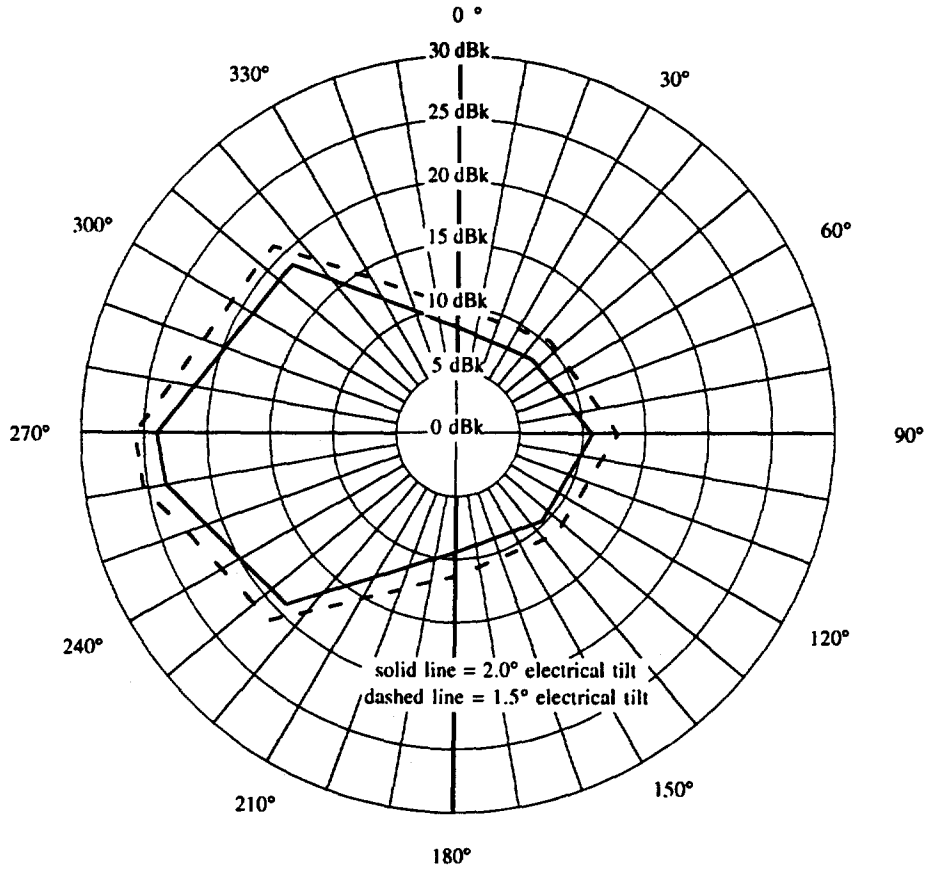
7 Product of Elevation and Azimuth relative fields.

8 Peak visual power of 370 kW times (Net Relative Field)^2.

COMMUNITY TELEVISION OF SOUTHERN CALIFORNIA
LOS ANGELES, CALIFORNIA

VALLEY PUBLIC TELEVISION APPLICATION TO AMEND SITE

Effective Radiated Power at Radio Horizon



HAMMETT & EDISON, INC.
CONSULTING ENGINEERS
SAN FRANCISCO

930527
FIGURE 7

Exhibit 2

Community Television of Southern California ("CTSC"), by its attorneys and pursuant to Section 1.229(e) of the Commission's Rules, hereby lists those documents that it would request from Valley Public Television, Inc. ("Valley") upon the grant of the Second Motion to Enlarge Issues filed by CTSC on June 1, 1993.

A. DOCUMENTS TO BE PRODUCED

Definitions

1. The following definitions are applicable to these requests:

a. Valley or "Applicant" means Valley Public Television, Inc. and any and all predecessor organizations, operating divisions, subsidiaries, partnerships and companies or organizations associated or affiliated with it, if any.

b. "Principal" includes all persons with any ownership interest, direct or indirect, in Valley, and all natural persons who are officers or directors of Valley, or members of its governing or advisory board, or agents or employees thereof, whether past, present or proposed.

c. The term "document" means the original, and any copy of the original that differs from it because of notes written on or attached to such copy or otherwise, or any identical copy of the original if the original is not available, as well as any drafts of the original, or any portion thereof, or any written, preprinted, typed, or visually or aurally recorded material of any kind, including computer data, and includes, but

s not limited to, any and all writings, correspondence, books, accountings, memoranda, minutes, agendas, notices, diaries (including attorney time diaries), calendars, notes, records, contracts, reports, statements, papers, letters, checks, monetary drafts, applications, certificates, telegrams, stenographic or handwritten notes, working papers, printed matter, charts, lists, instructions, guidelines, affidavits, and other written materials or audio and visual tapes, transcripts or tapes of meetings, photographs or other graphic or pictorial material. Such documents shall include, but not be limited to, all documents in the possession, custody or control of Valley or any of Valley's Principals, including documents in the possession of counsel or other agents or representatives of Valley or its Principals.

d. The term "persons" includes natural persons, corporations, partnerships and their partners, associations and other legal entities, including governments or governmental bodies, commissions, boards, agencies, or entities.

e. "Or" means "and/or."

f. The term "relating to" means describing, discussing, referencing, embodying, comprising, underlying, memorializing, referring to, and explaining.

g. The term "representative" includes, but is not limited to, Valley's present and former legal counsel, engineering and other consultants, accountants, employees or agents.

h. "Application" or "Valley's Application" means, unless otherwise indicated herein, Valley's application for a new noncommercial educational TV station to operate on Channel *39 at Bakersfield, California (BPET-900904KE), and all exhibits and amendments thereto.

i. "Station" means, unless otherwise indicated herein, the proposed station that Valley will construct and operate on Channel *39 at Bakersfield, California, if its Application is granted.

Instructions

1. If documents are not readily available in form suitable for copying and inspection (e.g., information that exists on a word processor or computer-stored information), Valley shall, in

have been in the possession or control of Valley or its Principals or representatives but is not now in their control, identify any such document and:

a. state the last known date of existence or of Valley's or its Principal's or representative's possession or control;

b. identify the person or entity having possession or custody on the last known date of possession, custody or control by Valley or its Principals or representatives;

c. state the length of any such document;

d. state the reason(s) why the document was destroyed, no longer exists, or no longer is in the possession, custody or control of Valley or its Principals or representatives;

e. describe the contents of any such document; and

f. for those documents which still exist, identify the person(s) or entity(ies) which today have possession, custody or control.

4. In reading and interpreting the requests for documents set forth hereinafter, Valley and its Principals and representatives are to give words their normal meanings and to assume the normal breadth of interpretation and definition rather than applying narrow, technical definitions.

5. If Valley or any one of its Principals or representatives asserts a claim of privilege, the document for which the claim is made is to be sufficiently identified, stating the

nature, topic, length, date of and persons involved in each such document (including the author, the person to whom the document was addressed or directed, all persons who were indicated to receive a copy and all persons to whom the document was circulated), so as to allow the claim to be challenged, should CTSC determine to do so.

6. This request is continuing in character. Valley is under a continuing obligation to supply documents responsive to this request which are discovered during or after discovery in this proceeding. These documents should be provided within 10 days after they are obtained or discovered.

7. For each document produced, identify the request to which it is deemed to be responsive. For documents considered responsive to more than one request, it is sufficient to identify the requests to which it is considered primarily responsive.

Documents Requested

The following documents are hereby requested:

Request No. 1

All documents that reflect, identify or describe the persons who were or are responsible for or participated in preparing Valley's Application, obtaining its transmitter site, preparing its technical proposal or retaining lawyers, engineers and other professionals.